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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,778	03/01/2002	Hironori Tanaka	1248-0581P	2049
2292	7590	12/29/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			LEE, CHEUKFAN	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,778

Applicant(s)

TANAKA ET AL.

Examiner

Cheukfan Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/28/02 10/7/04
5/28/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-6 are pending. Claim 1 is independent.

2. The specification is objected to for the following reasons:

The specification describes the inclusion of at least two planetary gears in the changeover means that switches over the planetary gears to switch over the driving forces that are from the driving force source. See page 37, line 9 to page 38, line 21. The term "at least two planetary gears" means that the number of gears includes two (2) to infinity (∞). While being enabling for changeover means including two planetary gears (Figs. 2-4, pages 16-30), the specification does not reasonably provide enablement for a changeover means including three or more, up to infinity (∞), planetary gears. The description given in reference to Figs. 2-4 on the mechanism including stopper (31), fore end section (31a) of stopper (31), stopper driving pin (33), stopper pin (30), and lever (29c), etc., is for changeover means including two planetary gears (27 and 28) (and sun gear 26), not for changeover means including more than two planetary gears. From the description on page 37, line 9 to page 38, line 21, it is unknown what a complete set of components, including components such as the stopper (31), stopper driving pin (33), stopper pin (30), lever (29c), etc., is included in changeover means having more than two planetary gears and how the set of components functions or interact with one another.

The phrase "the changeover means includes at least two planetary gears" is recited in claim 2. Claims 3-5 each claim "the planetary gears" associated with one mode. Please note that the changeover means including two planetary gears (the

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means that has support in the specification) has one planetary gear (27 or 28) associated with one mode, not “planetary gears”.

3. Claims 2-5 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for changeover means including two planetary gears (Figs. 2-4), does not reasonably provide enablement for changeover means including three (3) or more, up to infinity (∞), planetary gears. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Please refer to the objection to the specification addressed above in section 2.

Please note that claim 2 recites “the changeover means includes at least two planetary gears”, and claims 3-5 each recite “the planetary gears”, associated with one mode.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashizume et al. (U.S. Patent No. 5,862,446).

Regarding claim 1, Hashizume et al. discloses an image reading apparatus comprising changeover means (4) for switching over between a driving force for feeding in the document in a fed-document reading mode (ADF mode) and a driving force for moving the image reading means (2) in a stationary-document reading mode, and a driving force source (motor M) for supplying the driving forces (Figs. 2 and 3, col. 4, line 64 – col. 5, line 10, col. 5, lines 27-32, col. 5, line 45 – col. 7, line 5). In the stationary-document reading mode (scan/read mode) (Fig. 2), driving force from motor M is transmitted to gear (46) which engages scan module driving gear (21) to drive the scan module (2) in the subscanning direction (col. 7, line 19 – col. 8, line 26). In the fed-document mode (Fig. 3), driving force from motor M is transmitted to gear (46) which engages ADF driving gear (37), with the scan module (2) (inherently) moved to the specified position under the fed-document scanning window (12 in Fig. 3) (col. 8, lines 27-60).

With regard to the claim limitation “for switching over, by moving the reading means”, Hashizume et al. discloses returning the image scanner (2) to the home position (of the scan/read mode) in switching over to the stationary-document reading mode (scan/read mode) (col. 7, lines 52-56 of col. 7, line 29 – col. 8, line 26). Also, according to Fig. 1, the fed-document reading position (window 12) for the fed-document reading mode (ADF mode) is different from the home position in the stationary-document reading mode (scan/read mode). It is inherent in Hashizume et al. that the image scanner (2) is moved from the home position to the fed-document reading position (under window 12) in switching over to the fed-document reading

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mode. Therefore, the switching, by moving the image scanner (2), between the two driving forces of Hashizume et al. meets the claimed switching over, by moving the image reading means, between the two driving forces, and the changeover means (4) of Hashizume et al. meets the claimed changeover means.

Regarding claim 6, the placement restricting mechanism (47) meets the claimed regulating means for regulating a document reading position in which the document is read in the fed document reading mode. The mechanism (47) has stopper (471) (in operation with solenoid 473) that is placed in a restricted position relative to the linking plate (42) to maintain the engaged state of the two gears (gear 46 and ADF drive gear 37) so that the image reading apparatus is kept in the ADF mode (fed document mode) and the scan module (2) stays at the reading position for reading a fed document (Figs. 6 and 7, col. 8, lines 27-52). To the extent of the claim, the claimed regulating means is met by the placement restricting mechanism (47).

6. Please note that in prior art Konishi Daishi (Japanese Publication Number 10-164312, published June 19, 1998), cited by Applicant, the stopper (14 in Fig. 4) for regulating the reading position of the scanner equipment (3) (reading means) is closer to the meaning of Applicant's regulating means as disclosed in the specification.

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7. Claims 2-5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance:

Claims 2-5 would be allowable because the closest prior art of record Hashizume et al. (U.S. Patent No. 5,862,446), applied above in the rejection, and Konishi Daishi (Japanese Publication Number 10-164312, published June 19, 1998), cited by Applicant, does not disclose that the changeover means includes **two planetary gears**, wherein the changeover means switches over the planetary gears to switch over the driving forces that are from the driving force source. Hashizume et al. disclose one planetary gear (46 in Figs. 2, 3, and 5-7), and Konishi Daishi discloses one planetary gear (22 in Fig. 4).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kida et al. (U.S. Patent No. 6,226,639), "Paper feeding device for facsimile apparatus"

Kobori et al. (U.S. Patent No. 4,866,531), "Recording medium feeding apparatus"

Yamada et al. (U.S. Patent No. 5,523,858), "Facsimile Apparatus"

Sugiyama (U.S. Patent No. 5,206,737), "Facsimile apparatus using a single bi-directional motor to control feeding of an original document and a recording paper with selection between plural modes of operation"

Sato et al. (U.S. Patent No. 5,548,411), "Facsimile apparatus"

Kirita (U.S. Patent No. 6,903,848), "Image reading apparatus, image recording apparatus and image forming apparatus"

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
October 27, 2005



Cheukfan Lee